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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,483	10/22/2003	Louis W. Blanco	9000/8	5046

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EXAMINER

REKSTAD, ERICK J

ART UNIT PAPER NUMBER

2613

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,483

Applicant(s)

BLANCO ET AL.

Examiner

Erick Rekstad

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 12-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 12-16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is a final rejection for application 10/691,483 in response to the amendment filed on July 11, 2005 where in claims 1-7, 12-16 and 18-20 are presented for examination.

Response to Arguments

Applicant's arguments filed July 11, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Kirmuss teaches the use of the apparatus in most compartments of the carrier vehicle (Paragraph [0152]). As shown in Figure 2, the apparatus for an automobile includes a heating and cooling element (294). Therefore the applicants' argument that a heating and cooling element would teach away from a automobile version is overcome by Kirmuss teaching such a feature. Kirmuss further teaches that the apparatus could be mounted in a radio position on a motorcycle (Paragraph [0152]), which implies that the apparatus could be the size of a radio. As the DIN is a well known standard for radio locations for vehicles and Beckert further teaches the ability for a computer system to be produced that fits

into the DIN location in the dash of a vehicle (Col 2 Lines 2-21 and Col 3 Lines 5-20), it would have been obvious to one of ordinary skill in the art at the time of the invention to use the DIN size housing of Beckert with the system of Kirmuss and Chuang in order to place the system in the radio compartment of a vehicle.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 12-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication US 2003/0095688 A1 to Kirmuss in view of US Patent Application Publication US 2003/0112929 A1 to Chuang and further in view of US Patent 5,794,164 to Beckert et al.
[claims 1, 2, 12, 18 and 19]

As shown in Figures 2 and 3A, Kirmuss teaches an in-car video system. The system comprises a video camera (310, Fig. 3A) fixably mounted to a vehicle for capturing an image of an event and producing a corresponding video stream (Paragraph [0132] on page 10); a digital video recorder (204, Fig. 2) fixably mounted to the vehicle (Paragraphs [0129], [0131], [0152] and [0155]); and a controller (290, Fig. 2) coupled to the video recorder to control writing of data that is representative of the video stream to the removable IDE Hard Drive (118, Fig. 2) to thereby generate a stored video record of the event (Paragraphs [0139]). Kirmuss further teaches though a removable

hard disk is shown it is envisioned that other digital recording media such as memory sticks and the like are useable in conjunction with, or in place of, the one or more removable IDE hard disks (Paragraph [0224]). It would have been obvious to one of ordinary skill in the art to use a hard drive, CD-R drive or memory sticks as the storage means as Kirmuss teaches them all as possible storage means. Kirmuss does not teach the memory sticks are flash memory.

Chuang teaches the use of Compact Flash, memory sticks, secure digital memory cards or tapes for storing video (Paragraph [0009]). It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the memory sticks of Kirmuss with the Compact Flash recording means of Chuang as they can both be used to store video as taught by Chuang.

Kirmuss further teaches the use of the embodiment in a compartment smaller than a PC or VCR-based system and accordingly may be installed in most compartments of the carrier vehicle (Paragraph [0152], Fig. 2). Kirmuss further teaches that for a motorcycle the embodiment may be mounted in a sealed radio compartment saddle (Paragraph [0152]). Kirmuss does not specifically teach the installation in a DIN sized opening.

Beckert teaches a vehicle computer system containing a smart media card reader sized to fit the standard DIN form factor in order to replace a conventional sound system in the dashboard (Col 2 Lines 2-21 and Col 3 Lines 5-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the DIN size housing of Beckert with the system of Kirmuss and Chuang in order to place the system in the dash. It would have been obvious to one of ordinary skill in the art at the time of the

Art Unit: 2613

invention that using a housing with the single DIN size the housing would also fit a 1.5 and double DIN housing.

[claims 3 and 4]

As shown above, Chuang teaches the use of Compact Flash, memory sticks, secure digital memory cards or tapes for storing video (Paragraph [0009]). It would have been obvious to one of ordinary skill in the art at the time of the invention to use any of the storage means as they can all be used to store video as taught by Chuang.

[claims 13-16]

Kirmuss further teaches the reading of the data on the high-capacity storage medium in order to transfer via a wireless connection to a database of a central base station (Paragraph [0158]). Kirmuss further teaches the uploading of the video by connecting the high-capacity storage medium to an external PC (Paragraph [0161]). Kirmuss teaches the removal of the high-capacity storage medium in order to transfer the contents to a central storage system (Paragraph [0162]). Kirmuss further teaches the replay of stored digital video on a display in order to allow the police officer to obtain such information as license plate of a pursued vehicle (Paragraphs [0137]-[0139]). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Kirmuss, Chuang and Beckert with the transmitting method of Kirmuss in order to transfer the store video to a central storage system.

[claim 20]

Kirmuss further teaches the use of multiple high capacity storage devices in order to provide additional recording time (Paragraph [0224]). It would have been

obvious to one of ordinary skill in the art at the time of the invention to combine the system of Kirmuss, Chuang and Beckert with the multiple high capacity storage devices as taught by Kirmuss in order to provide additional recording time.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 571-272-7338. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

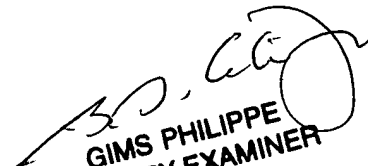
Art Unit: 2613

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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